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NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

ROBERT MOORE # B02929  
PLAINTIFF

CASE NO:

VS

1:19-CV-05926

JUDGE ELLIS  
MAGISTRATE JUDGE SCHENKIE

CITY of CHICAGO,  
POLICE OFFICER - UTRERAS # 19901,  
POLICE OFFICER - RON NORWAY # 6797,  
POLICE OFFICER - JOYCE McCLAIN # 4915, ET AL.  
DEFENDANTS

COMPLAINT UNDER THE CIVIL RIGHTS  
ACT, TITLE 42 SECTION 1983 U.S. CODE

### JURISDICTION

1. This Court jurisdiction is invoked  
PURSUANT TO 28 U.S.C. SEC. s 1331,  
1343 (a)(3) and (4), 2201 and 2202.  
THE SUBSTANTIVE CLAIMS IN THIS ACTION  
ARISE UNDER 42 U.S.C. SEC. 1983  
AND THE FIFTH, EIGHTH, NINTH, and  
FOURTEENTH AMENDMENTS TO THE UNITED

STATES CONSTITUTION.

2. VENUE IS PROPER IN THIS COURT UNDER 28 U.S.C. SEC. 1391(b) BECAUSE A SUBSTANTIAL PART OF THE EVENTS THAT GIVE RISE TO PLAINTIFF'S CLAIMS TOOK PLACE WITHIN THE NORTHERN DISTRICT OF ILLINOIS

3. THIS COURT HAS AUTHORITY PURSUANT TO 42 U.S.C. SEC. 1983 TO AWARD APPROPRIATE ACTUAL, CONSEQUENTIAL, COMPENSATORY, AND PUNITIVE DAMAGES, AND HAS AUTHORITY UNDER 42 U.S.C. SEC. 1988 TO AWARD ATTORNEY FEES AND COSTS TO SUCCESSFUL CIVIL RIGHTS PLAINTIFF.

### PARTIES

4. PLAINTIFF IS A CITIZEN OF THE UNITED STATES AND PRESENTLY INCARCERATED AT LAWRENCE CORR. CNTR, SUMNER, ILLINOIS

5. CITY OF CHICAGO, A MUNICIPAL ENTITY AND EMPLOYS THE CHICAGO POLICE DEPARTMENT AND THE DEFENDANT OFFICER(S)

6. CHICAGO POLICE OFFICER UTRERAS #19901 WORKS FOR THE CHICAGO POLICE DEPARTMENT LOCATED AT: HOMAN & FILMORE UTRERAS #19901 ACTED UNDER COLOR OF LAW AND IS BEING SUED IN HIS INDIVIDUAL AND OFFICIAL CAPACITY

7. CHICAGO POLICE OFFICER RON NORWAY #6797 WORKS FOR THE CHICAGO POLICE DEPARTMENT LOCATED AT: HOMAN & FILMORE RON NORWAY #6797 ACTED UNDER COLOR OF LAW AND IS BEING SUED IN HIS INDIVIDUAL AND OFFICIAL CAPACITY

\* THERE WERE OTHER DEFENDANTS INVOLVED THAT VIOLATED THE PLAINTIFFS RIGHTS THEIR IDENTITY IS PRESENTLY UNKNOWN



8. CHICAGO POLICE OFFICER  
JOYCE McLAIN #4815 WORKS FOR THE  
CHICAGO POLICE DEPARTMENT  
LOCATED AT: HOMAN & FILMORE  
JOYCE McLAIN #4815 ACTED UNDER COLOR OF  
LAW AND IS BEING SUED IN HER  
INDIVIDUAL AND OFFICIAL CAPACITY

### FACTS

9. ON SEPTEMBER 27, 2017, AT APPROX.  
3:00 P.M. THE PLAINTIFF WAS  
VISITING HIS FRIEND, KAREN CARTER,  
AT HER RESIDENCE LOCATED AT: 13269  
SOUTH ST. LAWRENCE CHICAGO, ILLINOIS  
60827

10. DEFENDANTS, UTRERAS #19901,  
RON NORWAJ #6797, AND JOYCE  
McLAIN #4915 EXECUTED A SEARCH  
WARRANT (RAID) AT THE RESIDENT -  
(\*AND UNKNOWN DEFENDANT POLICE  
OFFICER(S))

- OF KAREN CARTER ON SEPTEMBER 27, 2017

11. AS THE PLAINTIFF WAS SITTING IN THE KITCHEN DEFENDANTS Sgt. UTRERAS #19901 AND OFFICER RON. NORWAY #6797 CAME INTO THE KITCHEN AREA AND DETAINED THE PLAINTIFF

12. PLAINTIFF WAS NOT ARMED, DID NOT RESIST, WAS NOT COMBATIVE AND WAS IN FULL COMPLIANCE WITH THE DEFENDANTS

13. THE PLAINTIFF IS 53 YEARS OF AGE AND IS LEGALLY DISABLED WHERE HE IS AN DIABETIC AND IS INSULIN DEPENDANT, THE PLAINTIFF ALSO SUFFER FROM HIGH BLOOD PRESSURE, HIGH CHOLESTEROL AND SLEEP APNEA

14. ONCE THE DEFENDANTS DETAINED THE PLAINTIFF BY PLACING HANDCUFFS BEHIND HIS BACK DEFENDANTS Sgt. UTRERAS #19901 AND OFFICER  
(5)

RON NORWAY #6797 BEGAN ASKING THE PLAINTIFF QUESTIONS ABOUT CRIMINAL ACTIVITY(S)

15. PLAINTIFF RESPONSE TO THE DEFENDANTS QUESTIONING WAS THAT HE HAD NO KNOWLEDGE OF ANY CRIMINAL ACTIVITIES AND HE DID NOT LIVE AT THE RESIDENT THAT WAS BEING RAIDED

16. DEFENDANTS SGT. UTRERAS #19901 AND OFFICER RON NORWAY #6797 BECAME HOSTILE AND VERBALLY ABUSIVE TOWARDS THE PLAINTIFF CALLING THE PLAINTIFF A "LIAR", "ASSHOLE", "PIECE OF SHIT", AND OTHER INAPPROPRIATE NAMES

17. PLAINTIFF STILL RESTRAINED AND NON-COMBATIVE REQUESTED TO SPEAK WITH AN ATTORNEY



18. DEFENDANTS Sgt. UTRERAS #19901 AND RON NORWAY #6797 THEN VIOLENTLY SLAMMED THE PLAINTIFF INTO A REFRIGERATOR, BY LIFTING THE PLAINTIFF RESTRAINED HAND & ARMS UP IN A PAINFUL POSITION TOWARD THE PLAINTIFF BACK OF HIS HEAD

19. DEFENDANT Sgt. UTRERAS #19901 THEN HELD THE PLAINTIFFS ARM IN THIS PAINFUL POSITION AND TOLD DEFENDANT RON NORWAY #6797 "THIS GUYS A REAL ASSHOLE, LETS FUCK THIS PLACE UP!"

20. DEFENDANT RON NORWAY #6797 THEN UNZIPPED THE PLAINTIFFS JEANS PULLED THEM DOWN ALSO THE PLAINTIFF UNDERPANTS, GRABBED THE PLAINTIFF BUTTOCK THEN AGGRESSIVELY INSERTED HIS FINGER INSIDE THE PLAINTIFF ANUS. THE PLAINTIFF BEGAN SCREAMING FOR HELP AND CRYING IN PAIN!

21. None of the UNKNOWN DEFENDANTS that WAS PRESENT Did Anything to Help the Plaintiff OR STOP DEFENDANTS Sgt. UTRERAS #19901 AND OFFICER RON NORWAY #6797 OR Protect the Plaintiff From the Physical AND SEXUAL ASSAULT.

22. DEFENDANT SGT. UTRERAS #19901 then Stated to the Plaintiff "you BETTER GET USE TO this... This is PRISON SHIT!"

23. The Plaintiff then HEARD his FRIEND KAREN CARTER, (who WAS IN A DIFFERENT ROOM WITH DEFENDANT OFFICER JOYCE McLAIN #4915) yell "What are you doing TO Him!?"

24. DEFENDANT RON NORWAY #6797 YELLED "SOMEONE Shut her the Fuck up!"



25. DEFENDANTS Sgt. UTRERAS #19901 AND OFFICER RON NORWAY #6797 THEN Pulled up the Plaintiff's UNDERPANTS AND JEANS Plaintiff WAS THEN ESCORTED FROM THE RESIDENCE By the DEFENDANTS AND WAS PLACED IN A POLICE CAR FOR TRANSPORT TO THE HOLMAN & FILMORE Police Station

26. DURING THIS ENTIRE EVENT the Plaintiff AND KAREN CARTER WAS IN Full Cooperation With the DEFENDANTS AND AT NO TIME Did WE Exhibit Physical COMBATIVENESS, Verbal DISRESPECT, OR ANY MEANS OF AGGRESSIVENESS TO WARRANT the Physical AND SEXUAL ASSAULT the Plaintiff RECEIVED AT the HANDS OF the DEFENDANTS SGT. UTRERAS #19901 AND OFFICER RON NORWAY #6797

27. While in Custody the DEFENDANT'S DENIED the Plaintiff's REQUEST FOR MEDICAL ATTENTION, ACCESS TO USE THE PHONE TO CALL his ATTORNEY AND FOOD

28. The Plaintiff REMAINED in the CUSTODY of the Police Station FOR SEVERAL HOURS AND WAS DENIED His Right

29. AS AN RESULT OF the DEFENDANT'S ACTION and in ACTION the Plaintiff SUFFERED FROM MENTAL ANGUISH, NUMBNESS in BOTH WRIST RELATING TO the TIGHTNESS of the APPLIED RESTRAINTS, PAIN in His Right SHOULDER AND NECK AND FACE AREA FOR BEING SLAMED in to the REFRIGERATOR AND PAIN in the Plaintiff ANUS AREA DUE TO the Plaintiff BEING SEXUALLY ASSAULTED BY DEFENDANT OFFICER RON NORWAY #679.7

COUNT 1 - FAILURE TO PROVIDE ADEQUATE MEDICAL ATTENTION

30. Plaintiff REPEATS and RE-ALLEGES the allegations contained in paragraphs 1 through 29 as if Fully REStated HEREIN

31. DEFENDANTS, with knowledge of the Plaintiff's medical needs, and/or with deliberate indifference to such medical needs, have acted or Failed to act in such a MANNER as to prevent Plaintiff From obtaining needed medical TREATMENT and care and/or to prevent needed medical TREATMENT and care FROM REACHING Plaintiff, Thus ENDangering Plaintiff's HEALTH and well being. Such ACTS and OMISSIONS of the DEFENDANTS VIOLATE RIGHTS SECURED TO the Plaintiff UNDER the FIFTH, EIGHT, NINTH, AND FOURTEENTH AMENDMENT to the United STATES CONSTITUTION.



32. DEFENDANTS WHO WERE TOLD BY THE PLAINTIFF THE NEED FOR MEDICAL ATTENTION DENIED THE PLAINTIFF ANY MEANS OF MEDICAL ATTENTION HAVE AND HAD A DUTY UNDER THE FIFTH, EIGHTH, NINTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION TO PROVIDE NEEDED MEDICAL CARE TO DETAINEE / PLAINTIFF IN THEIR CUSTODY IN CONFORMITY WITH THE STANDARDS OF DELIVERY OF SUCH MEDICAL CARE IN THE STATE OF ILLINOIS AS A WHOLE

33. DEFENDANTS, KNOWING OF THE MEDICAL NEEDS OF THE PLAINTIFF, AND WITH DELIBERATE INDIFFERENCE TO SUCH NEED, HAVE FAILED TO INSTRUCT, SUPERVISE AND TRAIN THEIR EMPLOYEES AND AGENTS IN SUCH A MANNER AS TO ASSURE THE DELIVERY OF MEDICAL ATTENTION TO PLAINTIFF WHICH IS CONSISTENT WITH THE STANDARDS OF MEDICAL CARE IN THE STATE OF ILLINOIS AS A WHOLE, THUS HAVING ENDANGERED PLAINTIFF'S HEALTH AND

(12)

WELL-BEING IN VIOLATION OF RIGHTS  
SECURED TO THE PLAINTIFF UNDER THE  
FIFTH, EIGHT, NINTH, AND FOURTEENTH  
AMENDMENTS TO THE UNITED STATES  
CONSTITUTION

34. THE DEFENDANTS ABOVE MENTIONED  
ACTIONS AND/OR OMISSIONS WERE MALICIOUS  
NEGLECTANT AND/OR RECKLESS AND  
INTENTIONAL

35. DEFENDANTS ABOVE MENTIONED  
ACTIONS AND/OR OMISSIONS WERE COMMITTED  
UNDER COLOR OF LAW AND/OR PURSUANT  
TO POLICIES, CUSTOMS, PRACTICES, RULES,  
REGULATIONS, ORDINANCES, STATUTES AND  
/OR USAGES IN THE STATE OF ILLINOIS,  
CITY OF CHICAGO, AND THE CITY OF  
CHICAGO POLICE DEPARTMENT.

36. AS A DIRECT AND PROXIMATE RESULT  
OF THE ABOVE AND DESCRIBED ACTIONS AND  
OMISSIONS OF THE DEFENDANTS, PLAINTIFF  
HAS SUFFERED GENERAL DAMAGES IN AMOUNTS  
(13)

IN EXCESS OF \$75,000.00 EXCLUSIVE OF INTEREST AND COSTS, THE EXACT AMOUNTS OF WHICH WILL BE PROVEN AT TRIAL

COUNT 2 - ACCESSIVE USE OF FORCE

37. Plaintiff REPEATS AND RE-ALLEGES THE ALLEGATIONS CONTAINED IN PARAGRAPH 1 THROUGH 29 AS IF FULLY RESTATED HEREIN

38. DEFENDANTS KNOWINGLY MALICIOUSLY, AND INTENTIONALLY USED ACCESSIVE USE OF FORCE CAUSING PSYCHIAL PAIN AND MENTAL ANGUISH TO THE PLAINTIFF, THUS ENDANGERING THE PLAINTIFFS HEALTH AND WELL BEING. SUCH ACTS AND OMISSIONS OF THE DEFENDANTS VIOLATE RIGHTS SECURED TO THE PLAINTIFF UNDER THE FIFTH, EIGHT, NINTH, AND FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION



39. As a Direct and Proximate Result of the Above and described actions and omissions of the DEFENDANTS SGT. UTRERAS #19901 and OFFICER RON NORWAY #6797 plaintiff has suffered GENERAL DAMAGES AND SEEKS MONETARY RELIEF IN THE EXCESS OF \$75,000.00 EACH FROM BOTH DEFENDANTS SGT. UTRERAS #19901 and OFFICER RON NORWAY #6797 EXCLUSIVE OF INTEREST and costs, the EXACT Amounts of which will be proven at TRIAL

### COUNT 3 - Failure to Protect

40. Plaintiff REPEATS and RE-ALLEGES the allegations contained in paragraph 1 through 29 as if Fully RESTATED HEREIN

41. UNKNOWN DEFENDANTS who WERE PRESENT During the Time the Plaintiff was Psycal and SEXUALLY ASSAULTED HAD A Duty To Protect (IS)

the Plaintiff But Fail to Do So, Thus Endangering the Plaintiff Health and Wellbeing. Such acts and omissions of the UN-KNOWN DEFENDANTS VIOLATE RIGHTS SECURED TO THE PLAINTIFF UNDER THE FIFTH, EIGHT, NINTH, AND FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION

42. AS A DIRECT AND PROXIMATE RESULT OF THE ABOVE AND DESCRIBED ACTIONS AND OMISSIONS OF THE UN-KNOWN DEFENDANTS THE PLAINTIFF HAS SUFFERED GENERAL DAMAGES AND SEEKS MONETARY RELIEF IN THE EXCESS OF \$ 35,000.00 EACH FROM ALL UN-KNOWN WHO WAS PRESENT AS THE PLAINTIFF WAS BEING PHYSICAL AND SEXUAL ASSAULTED IN WHICH THE UN-KNOWN DEFENDANTS DID NOTHING TO PROTECT THE PLAINTIFF, EXCLUSIVE OF INTEREST AND COSTS, THE EXACT AMOUNTS OF WHICH WILL BE PROVEN AT TRIAL

#### COUNT 4 - CRUEL UNUSAL PUNISHMENT

43. Plaintiff REPEATS and RE-alleges the allegations contained in Paragraphs 1 through 29 as if Fully Restated herein

44. DEFENDANTS KNOWINGLY AND WITHOUT REMORSE Subjected the Plaintiff to CRUEL and UNUSAL Punishment when the Plaintiff was Physical and SEXUALLY ASSAULTED, Thus ENDANGERING Plaintiff HEALTH and well being. Such acts and omissions of the Defendants VIOLATE Rights Secured To the Plaintiff UNDER the Fifth, Eight, Ninth, and FOURTEENTH AMENDMENT TO the UNITED STATES Constitution

45. AS a Direct and PROXIMATE RESULT of the ABOVE and DESCRIBED actions and omissions of ALL DEFENDANTS KNOWN and UNKNOWN the Plaintiff has SUFFERED GENERAL DAMAGES AND SEEKS MONETARY RELIEF IN THE EXCESS

(17)



of \$1,000,000.00 Exclusive of Interest and Cost, the EXACT Amounts of which will be proven at TRIAL

WHEREFORE, Plaintiff Prays For Relief on All Counts as Follows:

1. That the Court award general Damages to Plaintiff;
2. That the Court award punitive Damages to Plaintiff;
3. That the Court award compensatory Damages to Plaintiff;
4. That Defendants be Required to pay legal costs and Expenses in this action, including REASONABLE provisions For Plaintiff's ATTORNEY FEES; and
5. That the Court grant such Further and additional relief that is appropriate

6. THE PLAINTIFF DEMANDS TRIAL BY JURY

RESPECTFULLY SUBMITTED

X Robert Moore

ROBERT MOORE #B02929

LAWRENCE CORR. CNTR.

10930 LAWRENCE RD

SUMNER, IL. 62466

AUGUST 30, 2019